

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,
 (Publisher of EcommerceBytes)
 Plaintiffs

vs.

eBay, Inc., et al.,
 Defendants

CASE NO: 1:21-cv-11181

STATUS REPORT

Now come the Plaintiffs and respectfully submit this Status Report relating to the Government's filing entitled "Status Report of the United States" filed on December 5, 2022, to update the Court as to the Government's request to seal Plaintiff's filings and attachments at ECF Nos. 144 and 146.

The Plaintiffs state that the Government contacted counsel for Plaintiffs on November 10, 2022, requesting an in-person meeting to discuss unsealing documents filed at ECF Nos. 144 and 146. After discussion regarding a date, the Government agreed to come to Boston on November 17, 2022 to meet in counsel for Plaintiffs' office to discuss the documents.

During the meeting on November 17, 2022, the attorney for the Government provided a loose description as to the portions of the Plaintiffs' filings the Government seeks to seal, and also outlined its intent to attempt to enter into a Protective Order with Plaintiffs to protect future information the Government seeks to shield from public view. The Government made clear that it was not the Department of Justice who moved to have the document sealed.

During the meeting, Plaintiffs' counsel was asked several times to allow the Government to view the sealed documents and Plaintiffs' counsel refused. The Government's attorney informed Plaintiffs' attorney of their desire to come to an agreement on redactions of a document the Government had not reviewed. Given the request for the Plaintiffs to agree to redactions and a future Protective Order, counsel for Plaintiffs discussed with the Government the length of time these documents were on the public docket and available for download by the public at large. Counsel for the Government informed Plaintiffs' counsel that prior to the meeting on November 17, 2022, attorneys for the Government had not had any contact with any defendant or defense counsel relating to this matter, or anyone working on their behalf on this case.

It was Plaintiffs' understanding that after the November 17, 2022 meeting, the attorney for the Government would be providing written proposals to counsel for Plaintiffs after his return to D.C., so that counsel could discuss concrete redactions and terms with Plaintiff.

The Government never sent a written proposal, and counsel never agreed to provide a response by the week of November 28, 2022 without receiving such a proposal. Counsel would not be in a position to advise the Plaintiffs, or enter an agreement, without knowing the terms of the agreement.

To date, the Plaintiffs have not received anything in writing from the Government relating to the continued sealing of ECF Nos. 144 and 146. If the parties are unable to come to an agreement, Plaintiffs request that the Court Order the Government to file a Motion to Seal the Plaintiffs' filings, so that Plaintiff may have an opportunity to respond and to be heard relating to the matter.

CONCLUSION

Wherefore, the Plaintiffs respectfully file this Status Report relating to the Government's request for further sealing, and request that this Court, if the parties cannot agree, Order the Government to file a motion to seal outlining the grounds for continuing to seal Plaintiffs' filings, so that Plaintiff will have the opportunity to respond and to be heard by the Court.

Respectfully submitted,
INA AND DAVID STEINER
By their attorney,

/s/ Rosemary Curran Scapicchio
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Respectfully submitted,
STEINER ASSOCIATES, LLC
By its attorney,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by complying with this Court's directives on electronic filing.

Dated: December 9, 2022

Signed: /s/ Rosemary Scapicchio